

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAR 20 AM 9:44

Magistrate Case No. '08 MJ 0867

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326;

Deported Alien Found in the

United States

Aurelio ESTEVES-Julian
(AKA: Melesio Juan SIMON)

Defendant.

The undersigned complainant, being duly sworn, states:

On or about, **March 14, 2008**, within the Southern District of California, defendant, **Aurelio ESTEVES-Julian (AKA: Melesio Juan SIMON)**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

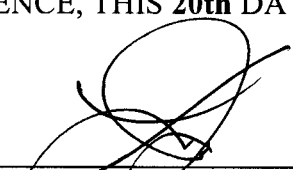


SIGNATURE OF COMPLAINANT

Deportation Officer,

U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **20th** DAY OF **March 2008**.


UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**NAME: ESTEVES-Julian, Aurelio (AKA: SIMON, Melesio Juan)****PROBABLE CAUSE STATEMENT**

On Friday, March 14, 2008, the defendant identified as Aurelio ESTEVES-Julian (AKA: Melesio Juan SIMON) was arrested by the San Diego Police Department for violation of Vehicle Code 23152(A) "DUI ALCOHOL/DRUGS" and booked into county jail. While in the custody of county jail, an Immigration Enforcement Agent determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release. On Wednesday, March 19, 2008, at approximately 11:03 a.m. the defendant was referred to the custody of Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks confirming the defendant to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was ordered removed from the United States by an Immigration Judge on or about November 25, 1997, and removed to Mexico via the Calexico Port of Entry. Record checks further revealed that the defendant was issued a re-instatement of removal on five occasions. The most recent re-instatement issued on or about September 15, 2004, and removed to Mexico via the San Ysidro Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Aurelio ESTEVES-Julian (AKA: Melesio Juan SIMON) a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

The defendant was admonished as to his rights per "MIRANDA" in the Spanish language and elected to answer questions without counsel present.

The defendant stated that he is a citizen of Mexico by virtue of birth, was deported or removed from the United States to Mexico on six occasions and had not obtained a waiver in order to re-enter the United States. The defendant acknowledged that he unlawfully entered the United States on or about December of 2005 through the hills near Tecate, California. The defendant acknowledged that he has no legal right to enter or reside in the United States.

Based upon the foregoing information, there is probable cause to believe that Aurelio EXTEVES-Julian (AKA: Melesio Juan SIMON) has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.